

U.S. Department of Justice  
United States Marshals Service

# PROCESS RECEIPT AND RETURN

See "Instructions for Service of Process by U.S. Marshal"

PLAINTIFF Harold B. Shamburger	COURT CASE NUMBER 07-4597 JSW
DEFENDANT R. Kirkland et al.,	TYPE OF PROCESS Complaint, Order, Summons

**SERVE AT** { NAME OF INDIVIDUAL, COMPANY, CORPORATION ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN  
M. Ruff California Dept. of Corrections and Rehabilitation, Law Enforcement Investigations Unit  
ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)  
P.O. Box 942883 Sacramento, CA 94283-0001

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW

Harold B. Shamburger  
P.O. Box 7500  
Crescent City, CA 95532  
D16530

Number of process to be served with this Form 285

Number of parties to be served in this case

Check for service on U.S.A.

RECEIVED  
UNITED STATES MARSHAL  
08 APR 15 AM 9:32  
NORTHERN DISTRICT  
OF CALIFORNIA

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service):

Fold

Fold

Signature of Attorney other Originator requesting service on behalf of:	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER 415-522-4261	DATE 4/3/08
-------------------------------------------------------------------------	-------------------------------------------------------------------------------------	----------------------------------	----------------

## SPACE BELOW FOR USE OF U.S. MARSHAL ONLY-- DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only for USM 285 if more than one USM 285 is submitted)	Total Process 2	District of Origin No. 11	District to Serve No. 11	Signature of Authorized USMS Deputy or Clerk 	Date 04/15/08
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I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☒ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc. shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)

Name and title of individual served (if not shown above)

☐ A person of suitable age and discretion then residing in defendant's usual place of abode

Address (complete only different than shown above)

Date Time ☐ am ☐ pm

Signature of U.S. Marshal or Deputy

Service Fee \$8.00	Total Mileage Charges including endeavors	Forwarding Fee	Total Charges	Advance Deposits 0	Amount owed to U.S. Marshal* or (Amount of Refund*) \$0.00
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REMARKS: 5/23/08 - mailed summons w/ 299 Form  
4/5/08 - Acknowledged Receipt of summons

PRINT 5 COPIES:

1. CLERK OF THE COURT
2. USMS RECORD
3. NOTICE OF SERVICE
4. BILLING STATEMENT\*: To be returned to the U.S. Marshal with payment, if any amount is owed. Please remit promptly payable to U.S. Marshal.
5. ACKNOWLEDGMENT OF RECEIPT

PRIOR EDITIONS MAY BE USED

## **INSTRUCTIONS FOR SERVICE OF PROCESS BY U.S. MARSHAL**

Please type or print legibly, insuring readability of all copies. **DO NOT DETACH ANY COPIES.** Submit one complete set of this form (USM-285) and one copy of each writ for each individual, company, corporation, etc., to be served or property to be seized or condemned. The applicable fees for such service(s) (T28, USC Sec. 1921 establishes the fees for service of process by the U.S. Marshal) may be required prior to said service.

For service of any process upon an officer or agent of the United States Government, submit a copy of the writ and a set of Form USM-285 for each officer or agent upon whom service is desired. Submit three (3) additional copies of the writs for service upon the Government of the United States. The U.S. Marshal will serve one (1) upon the U.S. Attorney and will forward two (2) to the Attorney General of the United States. (When the applicable box is checked, completion of the final signature block by the U.S. Marshal or his Deputy always certifies service on the U.S. Attorney and the Attorney General, regardless of whether other defendants on the writ were served.) Failure to provide any of the copies will delay service of the writ.

Complete all entries above the double line. Mark all applicable check boxes and use the "Special Instructions" to advise of any information that will assist the U.S. Marshal in expediting service.

If more than one writ and USM-285 is submitted on a single case, the U.S. Marshal will receipt for all of them on the first USM-285. You will receive for your records the last (No. 5) "Acknowledgment of Receipt" copy for all the USM-285 forms you submit. When the writ is served, you will receive the No. 3 Notice of Service copy. This copy will be identical to the return to the Clerk of the Court.

Upon completion of all services (if the Marshals fees were not requested or tendered in advance or if additional fees are indicated), you will receive a "Billing Statement" (copy 4 of USM-285) from the United States Marshal. (NOTE: Copy 4 should be returned, by you, to the U.S. Marshal, together with your payment of the amount owed.

Additional supplies of the USM-285 may be obtained from the Clerk of the U.S. District Court or U.S. Marshal, without cost.

U.S. Department of Justice  
United States Marshals Service

# PROCESS RECEIPT AND RETURN *See "Instructions for Service of Process by U.S. Marshal"*

PLAINTIFF Harold B. Shamburger	COURT CASE NUMBER 07-4597 JSW
DEFENDANT R. Kirkland et al.,	TYPE OF PROCESS Complaint, Order, Summons

**SERVE AT**

NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SERVE OR CONDEMN  
Everett W. Fischer California Dept. of Corrections and Rehabilitation, Law Enforcement Investigations Unit  
ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)  
P.O. Box 942883 Sacramento, CA 94283-0001

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW

Harold B. Shamburger  
P.O. Box 7500  
Crescent City, CA 95532  
D16530

Number of process to be served with this Form 285

Number of parties to be served in this case

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Check for service on U.S.A.

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UNITED STATES MARSHAL  
NORTHERN DISTRICT  
OF CALIFORNIA  
APR 15 AM 9:32

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Fold

Signature of Attorney other Originator requesting service on behalf of:

☒ PLAINTIFF  
☐ DEFENDANT

TELEPHONE NUMBER  
415-522-4261

DATE  
4/3/08

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Name and title of individual served (if not shown above)

☐ A person of suitable age and discretion then residing in defendant's usual place of abode

Address (complete only different than shown above)

Date Time ☐ am ☐ pm

Signature of U.S. Marshal or Deputy

Service Fee \$8.00	Total Mileage Charges including endeavors	Forwarding Fee	Total Charges	Advance Deposits 	Amount owed to U.S. Marshal* or (Amount of Refund*) \$0.00
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REMARKS: 5/23/08 MAILED Summons w/299 Form

6/5/08 - Acknowledged Receipt of Summons

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1. CLERK OF THE COURT
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3. NOTICE OF SERVICE
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PRIOR EDITIONS MAY BE USED

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EDMUND G. BROWN JR.  
Attorney General

State of California  
DEPARTMENT OF JUSTICE



FILED

08 JUL -9 AM 11:17

RICHARD W. WILKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

455 GOLDEN GATE AVENUE, SUITE 11000  
SAN FRANCISCO, CA 94102-7004

Public: (415) 703-5500  
Telephone: (415) 703-5824  
Facsimile: (415) 703-5843  
E-Mail: Ken.Roost@doj.ca.gov

UNITED STATES  
2008 JUL -6 PM 1:44  
NORTHERN DISTRICT  
OF CALIFORNIA

June 5, 2008

BY U.S. MAIL  
United States Marshals Service  
United States Department of Justice  
450 Golden Gate Ave.  
San Francisco, CA 94102

RE: *Shamburger v. Kirkland, et al.*  
United States District Court, Northern District of California, Case No. C 07-4597 JSW

Dear Marshals Service:

I am the attorney assigned to represent Defendants Fischer and Ruff in the above case.

As the attorney for these Defendants, I acknowledge receipt of the summons, complaint, and waivers, which were sent by the Marshals Service. I agree to save the cost of service of formal summons by not requiring that I or the above Defendants be served with judicial process under Rule 4 of the Federal Rules of Civil Procedure.

This waiver does not waive any defenses or objections to the lawsuit or to the jurisdiction or venue of the Court, except for objections based on a defect in the summons or in the service of the summons. The above Defendants will answer or respond by motion to the complaint in accordance with Federal Rule of Procedure 12 and applicable court orders or party stipulations.

Sincerely,

A handwritten signature in black ink, appearing to read "KTR", written over a horizontal line.

KENNETH T. ROOST  
Deputy Attorney General

For EDMUND G. BROWN JR.  
Attorney General